

APPEAL

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:22-cr-00096-CKK-10**

Case title: USA v. HANDY et al

Date Filed: 03/24/2022

Assigned to: Judge Colleen
Kollar-Kotelly

Defendant (10)

HERB GERAGHTY

represented by **John C. Kiyonaga**
JOHN C. KIYONAGA LAW OFFICE
600 Cameron Street
Alexandria, VA 22314
(703) 739-0009
Fax: (703) 549-2988
Email: jkiyonaga@earthlink.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Anthony Douglas Martin
ANTHONY D. MARTIN, PC
Greenway Center Office Park
6411 Ivy Lane
Suite 304
Greenbelt, MD 20770
301-220-3700
Fax: 301-220-1625
Email: admartinesq@aol.com
TERMINATED: 02/09/2023
Designation: CJA Appointment

Pending Counts

18:241; CONSPIRACY
AGAINST RIGHTS OF
CITIZENS; Conspiracy Against
Rights.
(1)

18:248(a)(1), 2; ACCESS TO
CLINIC ENTRANCE (1ST OFF,
VIOLENT); Freedom of Access to
Clinic Entrance Act.
(2)

Disposition

Jury Verdict of Guilty

Jury Verdict of Guilty

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level
(Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Elizabeth Ann Aloï**
U.S. ATTORNEY'S OFFICE/DISTRICT
OF COLUMBIA
555 4th Street, NW
Washington, DC 20003
(202) 252-7212
Email: elizabeth.aloi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

John Crabb , Jr.
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 11-844
Washington, DC 20530
(202) 252-1794
Email: John.D.Crabb@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Molly Gulland Gaston
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7803
Email: molly.gaston@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Rebecca G. RossUNITED STATES ATTORNEY'S
OFFICEUnited States Attorney's Office for the
District of Col

610 D Street NW

Washington, DC 20530

(202) 252-6937

Email: Rebecca.Ross2@usdoj.gov*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant U.S. Attorney***Sanjay Harivadan Patel**

DOJ-CRT

Civil Rights Division, Criminal Section

950 Pennsylvania Avenue NW.

Washington, DC 20004

202-307-6188

Email: sanjay.patel@usdoj.gov*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant U.S. Attorney*

Date Filed	#	Docket Text
10/14/2022	<u>113</u>	SUPERSEDING INDICTMENT as to LAUREN HANDY (1) count(s) 1s, 2s, JONATHAN DARNEL (2) count(s) 1s, 2s, JAY SMITH (3) count(s) 1s, 2s, PAULA PAULETTE HARLOW (4) count(s) 1s, 2s, JEAN MARSHALL (5) count(s) 1s, 2s, JOHN HINSHAW (6) count(s) 1s, 2s, HEATHER IDONI (7) count(s) 1s, 2s, WILLIAM GOODMAN (8) count(s) 1s, 2s, JOAN BELL (9) count(s) 1s, 2s, HERB GERAGHTY (10) count(s) 1, 2. (zhsj) (Entered: 10/17/2022)
10/17/2022	<u>115</u>	ORDER FOR ROUTINE PROCESSING as to HERB GERAGHTY. Signed by Magistrate Judge G. Michael Harvey on 10/14/2022. (zhsj) (Entered: 10/17/2022)
10/20/2022		Set/Reset Hearings as to HERB GERAGHTY (10): Initial Appearance/Arrestment set for 10/21/2022 at 2:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. (zcll) (Entered: 10/20/2022)
10/21/2022		ORAL MOTION to Appoint Counsel by HERB GERAGHTY (10). (zcll) (Entered: 10/21/2022)
10/21/2022		Minute Entry for proceedings held before Magistrate Judge Robin M. Meriweather: Initial Appearance/Arrestment as to HERB GERAGHTY (10) held on 10/21/2022 as to counts 1 and 2. Plea of NOT guilty entered by HERB GERAGHTY (10) as to all counts. Defendant present by video. The Court advised the Government of its due process obligation under Rule 5(f). Oral Motion to Appoint Counsel by HERB GERAGHTY (10); heard and granted. Status hearing set for 10/24/2022 at 10:30 AM by Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Defendant released on Personal Recognizance; Court Reporter: FTR GOLD; FTR Time Frame: CTRM 7 [2:08:29 - 2:50:50]; Defense Attorney: Anthony Martin; US Attorney: Elizabeth Aloji; Pretrial Officer: Christine Shuck. (zcll) (Entered: 10/21/2022)

		10/21/2022)
10/21/2022		MINUTE ORDER as to HERB GERAGHTY (10): As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge Robin M. Meriweather on 10/21/2022. (zcll) (Entered: 10/21/2022)
10/21/2022	<u>128</u>	ORDER Setting Conditions of Release as to HERB GERAGHTY (10) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 10/21/2022. (Attachments: # <u>1</u> Appearance Bond) (zcll) (Entered: 10/24/2022)
10/24/2022	<u>127</u>	NOTICE OF ATTORNEY APPEARANCE: Anthony Douglas Martin appearing for HERB GERAGHTY (Martin, Anthony) (Entered: 10/24/2022)
10/24/2022		<p>MINUTE ORDER as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, AND HERB GERAGHTY. The Court held a status hearing in this case on October 24, 2022. With consent, Defendants Handy, Idoni, and Geraghty, were present via videoconference and represented by counsel. With consent, Defendant Goodman was present via videoconference, but counsel for Defendant Goodman failed to appear. Defendant Hinshaw also failed to appear. Counsel for Defendant Hinshaw initially appeared via videoconference, but the Court erroneously directed counsel for Defendant Hinshaw to attend a later hearing instead. The Court indicated that it would enter a bench warrant for Defendant Hinshaw and an order directing counsel for Defendant Goodman to show cause why he should not be held in contempt for failing to appear. The Court discussed the status of discovery and pretrial scheduling. The Court also set a trial date of August 9, 2023. Finally, the Court send another status hearing for December 22, 2022 at 9:00 AM ET, to proceed via videoconference.</p> <p>During the August 9, 2022 status hearing, the Court discussed with Defendants their Speedy Trial Act rights, and Defendants Handy, Idoni, Geraghty, and Goodman consented to a continuance of Speedy Trial rights until the date of the next status hearing. Accordingly, the Court finds that a continuance of Speedy Trial rights as to Defendants Handy, Idoni, Geraghty, and Goodman between October 24, 2022 and the next status hearings on December 22, 2022, serves the "ends of justice" and outweighs the best interests of both the community and will allow the parties to further review discovery and prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is March 2, 2022. The Court finds that the 90-day deadline is inapplicable to Defendants, given that they have been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on October 24, 2022. (lcckk1) (Entered: 10/24/2022)</p>
10/24/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 10/24/2022. Excludable started as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10). Speedy Trial (XT) is tolled in the Interest of Justice from 10/24/2022 to 12/22/2022. Status Conference set for 12/22/2022 at 9:00 AM via

		Telephonic/VTC before Judge Colleen Kollar-Kotelly. Jury Trial set for 8/9/2023 at 9:00 AM in Courtroom 28A before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance, LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10); Court Reporter: Tammy Nestor; Defense Attorney: Dennis E. Boyle and Martin Cannon (1); Alfred Guillaume, III (6); Robert Dunn (7); Howard J. Walsh (8); and Anthony Martin; US Attorney: Elizabeth A. Aloï and Sanjay H. Patel. (dot) (Entered: 10/24/2022)
10/31/2022	<u>132</u>	MOTION to Modify Conditions of Release by HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Martin, Anthony) (Entered: 10/31/2022)
10/31/2022		MINUTE ORDER as to HERB GERAGHTY: The Court is in receipt of Defendant's opposed <u>132</u> Motion for Review and Modification of the Pretrial Release Order. The Government shall file its opposition on or before November 7, 2022 , and Defendant may file a reply on or before November 11, 2022 . Signed by Judge Colleen Kollar-Kotelly on October 31, 2022. (lcckk1) (Entered: 10/31/2022)
10/31/2022		Set/Reset Deadlines as to HERB GERAGHTY (10): Government's opposition to <u>132</u> due by 11/7/2022. Defendant's Reply to <u>132</u> due by 11/11/2022. (dot) (Entered: 10/31/2022)
11/04/2022	<u>133</u>	RESPONSE by USA as to HERB GERAGHTY re <u>132</u> MOTION to Modify Conditions of Release <i>and Motion to Modify Conditions of Release for all Defendants</i> (Patel, Sanjay) (Entered: 11/04/2022)
11/11/2022	<u>134</u>	REPLY TO OPPOSITION to Motion by HERB GERAGHTY re <u>132</u> MOTION to Modify Conditions of Release (Martin, Anthony) (Entered: 11/11/2022)
11/15/2022		MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of the Government's <u>133</u> Response to Defendant Geraghty's Motion to Modify the Conditions of Release. In addition to opposing Defendant Geraghty's <u>132</u> Motion, the Government also requests the Court modify the conditions of release as to all Defendants to limit contact among each defendant and one another. As such, each Defendant except for Defendant Geraghty may file a reply to the Government's request to modify <i>their</i> conditions of release on or before November 22, 2022 . Signed by Judge Colleen Kollar-Kotelly on November 15, 2022. (lcckk1) (Entered: 11/15/2022)
11/30/2022	<u>141</u>	MOTION to Continue <i>Discovery Deadline</i> by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Aloi, Elizabeth) (Entered: 11/30/2022)
12/06/2022	<u>142</u>	ORDER granting <u>132</u> Motion to Modify Conditions of Release. Signed by Judge Colleen Kollar-Kotelly on December 6, 2022. (lcckk1) (Entered: 12/06/2022)
12/12/2022		MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of the Government's <u>141</u> Motion to Continue Discovery Deadline Pursuant to Rule 45(b), filed November 30, 2022. The Government represents that discovery is too large to transmit via USAFX and that it requires additional time to complete discovery productions via other means. The Government therefore requests that the Court extend the deadline for Rule 16 discovery from December 2, 2022 to January 20, 2023. As no Defendant has objected, and Defendants Darnel and Harlow affirmatively

		consent, the Government's <u>141</u> Motion to Continue Discovery Deadline Pursuant to Rule 45(b) is GRANTED <i>nunc pro tunc</i> upon good cause shown. The Government shall complete its Rule 16 productions on or before January 20, 2023. Also pending before the Court is Defendant Bell's 143 Unopposed Motion to Extend Motions Deadline, filed December 9, 2022. Defendant Bell requests that the Court extend the deadline for non-evidentiary pretrial motions and discovery motions from December 9, 2022 to January 27, 2023, to ensure she (and fellow defendants) have sufficient time to review discovery in advance of further dispositive motions practice. As the Government consents, and upon good cause shown, Defendant Bell's 143 Unopposed Motion to Extend Motions Deadline is GRANTED <i>nunc pro tunc</i> . Discovery motions and non-evidentiary pretrial motions shall be filed on or before January 27, 2023. Opposition(s) shall be filed on or before February 17, 2023, and replies shall be filed on or before February 24, 2023. The remaining deadlines in the Court's 104 Pretrial Scheduling Order stand. Signed by Judge Colleen Kollar-Kotelly on December 12, 2022. (lcckk1) Modified on 12/15/2022 to correct date. (dot). (Entered: 12/12/2022)
12/12/2022		Set/Reset Deadlines as to LAUREN HANDY (1), JONATHAN DARNEL (2), JAY SMITH (3), PAULA PAULETTE HARLOW (4), JEAN MARSHALL (5), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), JOAN BELL (9), HERB GERAGHTY (10): Discovery due by 1/20/2023. Motions due by 1/27/2023. Oppositions due by 2/17/2023. Replies due by 2/24/2023. (dot) (Entered: 12/15/2022)
12/14/2022		MINUTE ORDER as to WILLIAM GOODMAN: Before the Court is Defendant Goodman's 144 Unopposed Motion to Continue Discovery Motions, filed December 12, 2022. Approximately thirty minutes before Defendant Goodman's motion was filed, the Court granted the same relief Defendant requests in his motion to all Defendants. As such, Defendant Goodman's 144 Unopposed Motion to Continue Discovery Motions is DENIED AS MOOT . Signed by Judge Colleen Kollar-Kotelly on December 14, 2022. (lcckk1) (Entered: 12/14/2022)
12/22/2022	<u>154</u>	AMENDED PRETRIAL SCHEDULING ORDER incorporating prior extensions and <i>sua sponte</i> extended other deadlines. Signed by Judge Colleen Kollar-Kotelly on December 21, 2022. (lcckk1) (Main Document 154 replaced on 1/3/2023) (zdot). (Entered: 12/22/2022)
12/22/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to LAUREN HANDY(1), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), HERB GERAGHTY(10) held on 12/22/2022. Excludable started as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY. Speedy Trial (XT) is tolled in the Interest of Justice from 12/22/2022 to 3/3/2022 as to Defendants 1, 6, 7, 8, 10. Status Conference set for 3/3/2023 at 3:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 5/25/2023 at 3:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 7/28/2023 at 3:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Pretrial Conference set for 8/8/2023 at 10:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Jury Trial set for 8/9/2023 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance as to Defendants 1, 6, 7, 8 10; Court Reporter: Tammy Nestor; Defense Attorney: Martin A. Cannon (1); Alfred Guillaume, III (6); Robert Dunn (7); Howard J. Walsh, III (8); Anthony D. Martin (10); US Attorney: Sanjay H. Patel. (dot) (Entered: 12/23/2022)

01/05/2023		<p>MINUTE ORDER as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, AND HERB GERAGHTY. The Court held a status hearing in this case on December 12, 2022. With consent, all Defendants were present via videoconference and represented by counsel. Each Defendant agreed to proceed remotely. The Court discussed the status of discovery and pretrial scheduling. The Court also set status conferences for: (1) March 3, 2023 at 3:00 PM ET, via videoconference; (2) May 25, 2023 at 3:00 PM ET; and (3) July 28, 2023 at 3:00 PM ET. Finally, the Court set a pretrial conference for August 8, 2023 at 10:00 AM ET in Courtroom 28–A. Defendants consented to the next status conference proceeding remotely. Trial remains set for August 9, 2023.</p> <p>During the December 12, 2022 status hearing, the Court discussed with Defendants their Speedy Trial Act rights, and Defendants consented to a continuance of Speedy Trial rights until the date of the next status hearing. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between December 12, 2022 and the next status hearing on March 3, 2023, serves the "ends of justice" and outweighs the best interests of both the community and will allow the parties to further review discovery and prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70–day deadline is May 12, 2023. The Court finds that the 90–day deadline is inapplicable to Defendants, given that they have been released pending trial.</p> <p>Signed by Judge Colleen Kollar–Kotelly on January 5, 2023. (lcckk1) (Entered: 01/05/2023)</p>
01/20/2023	<u>158</u>	NOTICE of <i>Discovery Status</i> by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Aloi, Elizabeth) (Entered: 01/20/2023)
01/22/2023		MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of the Government's <u>158</u> Notice, filed January 20, 2023. The Government represents that it has attempted to complete discovery productions by requesting hard drives from counsel for each Defendant, but only some have complied with the Government's request. The deadline for discovery applies to all parties, and all parties must make every effort to comply with that deadline. As such, of the Defendants who have yet to comply with the Government's request, counsel for these Defendants shall do so forthwith. If cost is an issue, counsel shall make the requisite request of the Court forthwith. Signed by Judge Colleen Kollar–Kotelly on January 22, 2023. (lcckk1) (Entered: 01/22/2023)
01/27/2023	<u>159</u>	MOTION to Dismiss Count by LAUREN HANDY, JONATHAN DARNEL. (Attachments: # <u>1</u> Text of Proposed Order) (Boyle, Dennis) Modified on 1/30/2023 (zhsj). Modified on 1/30/2023 (zhsj). (Entered: 01/27/2023)
01/27/2023	<u>162</u>	MOTION for Joinder to <i>Defendant Handy's Mtn (ECF 159)</i> by HERB GERAGHTY. (Martin, Anthony) (Entered: 01/27/2023)
01/30/2023		<p>RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>162</u> MOTION for Joinder to <i>Defendant Handy's Mtn (ECF 159)</i> by HERB GERAGHTY. (Martin, Anthony).</p> <p>Your attorney renewal/government certification has not been received. As a result,</p>

		<p>your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Criminal Rule 57.21.1, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 2/6/2023. (zbaj) Modified on 2/1/2023 (zbaj). (Entered: 01/30/2023)</p>
02/06/2023	<u>167</u>	ORDER as to ALL DEFENDANTS <i>sua sponte</i> extending briefing deadlines for non-evidentiary pretrial motions, expanding scope of briefing, and waiving page limits. In addition to any other issues the parties may seek to address, the parties shall address (1) whether the holdings of <i>Dobbs v. Jackson Women's Health Org.</i> , 142 S. Ct. 2228 (2022) are limited to the Fourteenth Amendment and (2) whether the Thirteenth Amendment confers a right to abortion to some extent as an original matter. The parties shall continue to address the current crux of this case, the scope of the statutes charged. Government's response due on or before March 3, 2023 and Defendants' reply due on or before March 17, 2023 . See Order for details. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/06/2023		Set/Reset Deadlines as to LAUREN HANDY(1), JONATHAN DARNEL(2), JAY SMITH(3), PAULA PAULETTE HARLOW(4), JEAN MARSHALL(5), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), JOAN BELL(9), HERB GERAGHTY(10): Government's Response due by 3/3/202. Defendants' Reply due by 3/17/2023. (dot) (Entered: 02/08/2023)
02/09/2023	<u>169</u>	MOTION to Substitute Attorney by HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Kiyonaga, John) (Entered: 02/09/2023)
02/09/2023		MINUTE ORDER as to HERB GERAGHTY: The Court is in receipt of Defendant's <u>169</u> Motion to Substitute Counsel. Defendant moves to substitute his newly retained counsel, John C. Kiyonaga, for appointed counsel, Anthony Martin. In consideration thereof, Defendant's <u>169</u> Motion to Substitute Counsel is GRANTED . Counsel Kiyonaga is directed to enter his appearance in this case forthwith. Upon that entry of appearance, the Clerk of Court is respectfully directed to terminate counsel Martin as counsel of record in this case. Signed by Judge Colleen Kollar-Kotelly on February 9, 2023. (lcckk1) (Entered: 02/09/2023)
02/09/2023	<u>170</u>	NOTICE OF ATTORNEY APPEARANCE: John C. Kiyonaga appearing for HERB GERAGHTY (Kiyonaga, John) (Entered: 02/09/2023)
02/09/2023		Attorney update in case as to HERB GERAGHTY (1). Attorney Anthony Douglas Martin terminated. (dot) (Entered: 02/09/2023)
03/01/2023	<u>174</u>	NOTICE OF ATTORNEY APPEARANCE John Crabb, Jr appearing for USA. (Crabb, John) (Entered: 03/01/2023)
03/03/2023		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to LAUREN HANDY(1), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), HERB GERAGHTY(10) held on 3/3/2023. Excludable started as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN. Speedy Trial (XT) is tolled in the Interest of Justice from 3/3/2023. HERB GERAGHTY(10) to Show Cause why Speedy Trail is not tolled. Status Conference set for 5/25/2023 at 3:00 PM

		via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Personal Recognizance; Court Reporter: Stacy Scull; Defense Attorney: Dennis E. Boyle, Martin A. Cannon and Bierina Jasari (1); Alfred Guillaume, III (6); Robert J. Dunn (7); Howard J. Walsh, III (8); and John C. Kiyonaga (10); US Attorney: Elizabeth A. Aloï and Sanjay H. Patel. (dot) (Entered: 03/03/2023)
03/05/2023		<p>MINUTE ORDER as to LAUREN HANDY(1), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), AND HERB GERAGHTY(10). The Court held a status hearing in this case on March 3, 2023. With consent, all Defendants but Defendant Hinshaw were present via videoconference and represented by counsel. Defendant Hinshaw appeared by phone and was represented by counsel, who appeared via videoconference. Each Defendant agreed to proceed remotely. The parties discussed the status of discovery and pretrial scheduling. Additionally, the Government placed plea offers on the record, all of which now remain open. The Court also explained that any requests for any particular jury instruction should be filed no earlier than July 7, 2023, the current deadline for proposed <i>voir dire</i> and jury instructions. The next status conference remains set for May 25, 2023 at 3:00 PM ET via Zoom and trial remains set for August 9, 2023.</p> <p>During the March 3, 2023 status hearing, the Court discussed with Defendants their Speedy Trial Act rights, and Defendants Handy, Idoni, Goodman, and Geraghty themselves and Defendant Hinshaw through counsel consented to a continuance of Speedy Trial rights until the date of the next status hearing. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between March 3, 2023 and the next status hearing on May 25, 2023, serves the "ends of justice" and outweighs the best interests of both the community and will allow the parties to further review discovery and prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is August 3, 2023. The Court finds that the 90-day deadline is inapplicable to Defendants, given that they have been released pending trial. Counsel for Defendant Hinshaw shall file a written Speedy Trial waiver signed by Defendant Hinshaw himself on or before March 7, 2023.</p> <p>Counsel for Defendant Geraghty insisted that he was prepared to proceed to trial immediately and therefore did not consent to toll Speedy Trial time. As such, Defendant Geraghty shall SHOW CAUSE on or before March 10, 2023 why the Court should not <i>sua sponte</i> toll Speedy Trial time from March 3, 2023 to May 25, 2023 pursuant to 18 U.S.C. sections 3161(h)(1)(D), (h)(7)(A), and/or (h)(7)(B)(iv).</p> <p>Signed by Judge Colleen Kollar-Kotelly on March 5, 2023. (lcckk1) (Entered: 03/05/2023)</p>
03/08/2023	<u>190</u>	RESPONSE TO ORDER OF THE COURT by HERB GERAGHTY re Order,,,,,,,,, to Show Cause Why Speedy Trial Time Should Not Be Tolled (Kiyonaga, John) (Entered: 03/08/2023)
03/13/2023		MINUTE ORDER as to HERB GERAGHTY: The Court is in receipt of Defendant's <u>190</u> Response to Order of the Court. On March 5, 2023, the Court memorialized its March 3, 2023 instructions to Defendant to show cause why the Court should not <i>sua sponte</i> toll Speedy Trial time between the date of the last status hearing, March 3, 2023, and the date of the next status hearing, May 25, 2023. In lieu of providing legal or factual argument why the Court should not <i>sua sponte</i> toll Speedy Trial time, as ordered by the Court, counsel for Defendant filed a mere notice insisting again that

		<p>Defendant would not consent to any tolling. Defendant did not repeat, however, his claim that he is prepared to proceed to trial imminently.</p> <p>As a threshold matter, because there remains pending a "pretrial motion," all time is excluded from its "filing," January 27, 2023, to its "prompt disposition." 18 U.S.C. 3161(h)(1)(D). Once taken under advisement by the Court, an additional thirty days is tolled. <i>Id.</i> (h)(1)(H). Such tolling is nondiscretionary and automatically applies pursuant to the Speedy Trial Act. <i>See United States v. Muhtorov</i>, 20 F.4th 558, 644–45 (10th Cir. 2021). Because the pending motion will become ripe on March 17, 2023, and the Court does not intend at this time to hold a hearing on the motion, all Speedy Trial time is automatically excluded through April 14, 2023 (at the very least) pursuant to subsections (h)(1)(D) and (h)(1)(7).</p> <p>That leaves the period of time from April 15, 2023 to May 25, 2023. Pursuant to subsection (h)(7)(A), the Court may <i>sua sponte</i> toll time where "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." The Court seriously doubts that an immediate trial would actually be in the best interest of Defendant where his counsel entered his appearance approximately one month ago in this complex conspiracy case and where there are multiple forthcoming deadlines for pretrial motions. <i>See, e.g., United States v. Zaitar</i>, 858 F. Supp. 2d 103, 109 (D.D.C. 2012) (tolling Speedy Trial time to afford new defense counsel adequate time to prepare); <i>Boate v. United States</i>, 559 U.S. 196, 213–14 (2010) (permitting court to toll time under Speedy Trial Act where forthcoming motions are likely). The ends of justice are better served by affording defense counsel sufficient time to prepare and file additional pretrial motions, as applicable (e.g., motions in limine or motions to suppress). Therefore, the Court further <i>sua sponte</i> tolls Speedy Trial time from April 15, 2023 to May 25, 2023 pursuant to 18 U.S.C. 3161(h)(7)(A).</p> <p>Although the Court would be inclined to find this case so unusual and complex given the number of defendants going to trial as to warrant tolling through the trial dates, <i>cf. United States v. Raymond</i>, — F. Supp. 3d —, 2023 WL 2043147 (D.D.C. Feb. 16, 2023) (collecting cases), the Court need not do so at this juncture.</p> <p>Lastly, the Court notes that defense counsel appeared surprised that the Court would direct Defendant to establish a Speedy Trial Act violation, arguing that reservation of Speedy Trial rights is commonplace where defense counsel most frequently practices (precisely where, the Court does not know). The Court did so because, by statute, it is a defendant who must identify Speedy Trial Act issues. <i>United States v. Rice</i>, 746 F.3d 1074, 1077 (D.C. Cir. 2014) (citing, among other things, 18 U.S.C. 3162(a)(2)). In this regard, it is common in this jurisdiction for a defendant to consent to tolling where, as here, there is no factual or legal basis to oppose tolling.</p> <p>Signed by Judge Colleen Kollar-Kotelly on March 13, 2023. (lcckk1) (Entered: 03/13/2023)</p>
03/13/2023	<u>194</u>	MOTION to Clarify <i>Conditions of Pre Trial Release</i> by HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Kiyonaga, John) (Entered: 03/13/2023)
03/15/2023	<u>195</u>	MOTION to Amend/Correct <u>154</u> Order <i>Amended Pretrial Scheduling Order</i> by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER

		IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Patel, Sanjay) (Entered: 03/15/2023)
03/16/2023		MINUTE ORDER as to HERB GERAGHTY (10): The Court is in receipt of Defendant's <u>194</u> Motion for Clarification. Defendant asks the Court to confirm that his conditions of release permit him to "have lawful contact with co-defendants with whom he has ongoing occasion to interact as part of his pro-life activities but not with anyone else present" at the reproductive health services clinic Defendant allegedly entered. Pretrial Services and the Government insist that he may not have contact with his co-defendants. The Court previously addressed this issue in its detailed December 6, 2022 Order, ECF No. 142, in which the Court specifically held that Defendant Geraghty could continue to have contact with his co-defendants, <i>id.</i> at 2. The Court further held that it would not order a no-contact restriction unless two or more Defendants in this matter are "charged with conspiring with each other to commit similar crimes during the pendency of this case." <i>Id.</i> As such, the Court's December 6, 2022 Order stands, and Defendant's <u>194</u> Motion for Clarification is GRANTED . Defendant may continue to have contact with his co-Defendants in this matter, although he may not conspire with his co-Defendants to engage in any criminal conduct. Signed by Judge Colleen Kollar-Kotelly on March 16, 2023. (lcckk1) (Entered: 03/16/2023)
03/17/2023		MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of the Government's <u>195</u> Motion to Correct the Amended Pretrial Scheduling Order. The Government notes that the Order currently requires the Government to file its 404(b) notice on or before April 14, 2023, falling after the deadline for the Government's evidentiary motions, March 24, 2023. The Government therefore proposes that the Government's 404(b) notice be due March 24, 2023, with the Government's evidentiary pretrial motions be due April 7, 2023, with applicable defendants' opposition due April 21, 2023, and any reply due April 28, 2023. Upon consideration thereof, and in light of the extensions granted to Defendants Bell and Goodman, the Government's <u>195</u> Motion to Correct the Amended Pretrial Scheduling Order is GRANTED . The parties shall adhere to the Government's proposed dates. A second amended scheduling order will issue. Signed by Judge Colleen Kollar-Kotelly on March 17, 2023. (lcckk1) (Entered: 03/17/2023)
03/17/2023	<u>196</u>	REPLY TO OPPOSITION to Motion by HERB GERAGHTY re <u>159</u> MOTION to Dismiss Count (Attachments: # <u>1</u> Exhibit News Article)(Kiyonaga, John) (Entered: 03/17/2023)
03/21/2023	<u>203</u>	NOTICE of Filing by LAUREN HANDY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re 197 Reply in Support (Attachments: # <u>1</u> Exhibit)(Boyle, Dennis) (Entered: 03/21/2023)
03/24/2023	<u>205</u>	NOTICE FRE 404(b) by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> Notice to Counsel/Party FRE 404(b) notice)(Patel, Sanjay) (Entered: 03/24/2023)
04/07/2023	<u>206</u>	MOTION for 404(b) Evidence by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL,

		HERB GERAGHTY. (Patel, Sanjay) (Entered: 04/07/2023)
04/28/2023	<u>214</u>	REPLY in Support by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re <u>206</u> MOTION for 404(b) Evidence (Crabb, John) (Entered: 04/28/2023)
05/25/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 5/25/2023. Excludable started as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10). Speedy Trial (XT) is tolled in the Interest of Justice from 5/25/2023 to 7/28/2023. Status Conference set for 7/28/2023 at 3:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Christine Asif; Defense Attorney: Martin A. Cannon and Dennis Boyle (1), Alfred Guillaume, III (6), Robert Dunn (7), Howard J. Walsh, III (8) and Marcus Massey (standing in) (10); US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 05/26/2023)
05/26/2023	<u>235</u>	REPLY TO OPPOSITION to Motion by HERB GERAGHTY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re 215 MOTION to Dismiss Case by Heather Idoni (Kiyonaga, John) (Entered: 05/26/2023)
06/02/2023	<u>248</u>	MOTION in Limine <i>omnibus motion in limine</i> by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Patel, Sanjay) (Entered: 06/02/2023)
06/14/2023	<u>253</u>	NOTICE by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Crabb, John) (Entered: 06/14/2023)
06/23/2023	<u>259</u>	RESPONSE by LAUREN HANDY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re <u>248</u> MOTION in Limine <i>omnibus motion in limine</i> (Boyle, Dennis) (Entered: 06/23/2023)
06/24/2023	<u>263</u>	MOTION for Leave to File <i>Out of Time</i> by HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Notice of Joinder)(Kiyonaga, John) (Entered: 06/24/2023)
06/27/2023	<u>265</u>	NOTICE OF ATTORNEY APPEARANCE Rebecca G. Ross appearing for USA. (Ross, Rebecca) (Entered: 06/27/2023)
06/28/2023		MINUTE ORDER as to JONATHAN DARNEL (2) and HERB GERAGHTY (10): The Court is in receipt of Defendant Geraghty's <u>263</u> Motion for Leave to File Out of Time and Defendant Darnel's 264 Motion to Adopt Response to Government Motion in Limine. Insofar as both motions seek leave to join a late-filed response to the Government's <u>248</u> Omnibus Motion in Limine, the Court would expect Defendants to attempt to demonstrate excusable neglect. <i>See</i> Fed. R. Crim. P. 45(b)(1)(B).

		<p>Defendant Geraghty invokes the term, relying merely upon his counsel's "press of work on other matters," and Defendant Darnel neither provides grounds for his request, much less acknowledges the requisite standard. Generally, "[w]ere the [C]ourt to find that counsel's act of 'inadvertently overlook[ing]' a filing deadline is excusable neglect," then the standard would be rendered meaningless." <i>Ramseur v. Barreto</i>, 216 F.R.D. 180, 182 (D.D.C. 2003). That said, the Court of Appeals has cautioned that garden variety inadvertence is not <i>per se</i> inexcusable, as "excusable neglect is an 'elastic concept'" meant to reflect concomitant inquiries into, among other things, "whether the movant acted in good faith." <i>See In re Vitamins Antitrust Class Actions</i>, 327 F.3d 1207, 1209 (D.C. Cir. 2003) (cleaned up) (quoting <i>Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship</i>, 507 U.S. 380, 392 (1993)). In an exercise of its discretion, and in light of the potential prejudice to Defendants, the Court will nevertheless GRANT the <u>263</u> and 264 Motions. The Court cautions that it may treat future Government motions as conceded if no timely opposition is filed. Signed by Judge Colleen Kollar-Kotelly on June 28, 2023. (lcckk1) (Entered: 06/28/2023)</p>
06/29/2023	<u>266</u>	<p>REPLY in Support by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re <u>248</u> MOTION in Limine <i>omnibus motion in limine</i> (Crabb, John) (Entered: 06/29/2023)</p>
07/07/2023	<u>269</u>	<p>Proposed Voir Dire by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Crabb, John) (Entered: 07/07/2023)</p>
07/07/2023	<u>270</u>	<p>Proposed Jury Instructions by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Crabb, John) (Entered: 07/07/2023)</p>
07/07/2023		<p>MINUTE ORDER as to LAUREN HANDY(1), JONATHAN DARNEL(2), PAULA PAULETTE HARLOW(4), JEAN MARSHALL(5), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), JOAN BELL(9), HERB GERAGHTY(10): Due to a scheduling conflict with a criminal trial, the status hearings set for July 28, 2023 at 3:00 PM ET and 3:30 PM ET are CONTINUED to July 28, 2023 at 4:00 PM ET and July 28, 2023 at 4:30 PM ET, respectively. Both hearings shall be by Zoom. Signed by Judge Colleen Kollar-Kotelly on July 7, 2023. (lcckk1) (Entered: 07/07/2023)</p>
07/07/2023	<u>278</u>	<p>MOTION to Continue by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order) (Crabb, John) Modified Event on 7/11/2023 (zhsj). (Entered: 07/07/2023)</p>
07/07/2023	<u>281</u>	<p>NOTICE of Joinder by HERB GERAGHTY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Kiyonaga, John) (Entered: 07/07/2023)</p>
07/07/2023		

		Set/Reset Hearings as to LAUREN HANDY(1), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), HERB GERAGHTY(10): Status Conference set for 7/28/2023 at 4:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 07/09/2023)
07/11/2023	<u>285</u>	SUPPLEMENT by HERB GERAGHTY to <i>Proposed Voir Dire of Lauren Handy Adopted by Defendant Geraghty</i> (Kiyonaga, John) (Entered: 07/11/2023)
07/11/2023	<u>286</u>	NOTICE of Supplemental Authority by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> Exhibit A)(Ross, Rebecca) (Entered: 07/11/2023)
07/11/2023	<u>287</u>	EXHIBIT LIST by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> exhibit list)(Crabb, John) (Entered: 07/11/2023)
07/13/2023		MINUTE ORDER. The Court is in receipt of the <u>278</u> Motion to Continue, in which Government requests additional time to submit its exhibit list. Given that the Government has since submitted its exhibit list, <i>see</i> ECF No. <u>287</u> , the Court DENIES AS MOOT the <u>278</u> Motion. Signed by Judge Colleen Kollar-Kotelly on 7/13/23. (lcckk3) (Entered: 07/13/2023)
07/14/2023		MINUTE ORDER. The Court is in receipt of Defendant HEATHER IDONI's 288 Proposed Jury Instruction on Defense of a Third Person and ORDERS the Government to file a response by no later than JULY 20, 2023. Signed by Judge Colleen Kollar-Kotelly on 7/14/23. (lcckk3) (Entered: 07/14/2023)
07/14/2023	<u>289</u>	STATUS REPORT by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Crabb, John) (Entered: 07/14/2023)
07/20/2023	<u>295</u>	MOTION to Continue by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Crabb, John) (Entered: 07/20/2023)
07/22/2023	<u>296</u>	ORDER denying 215 Motion to Dismiss. Signed by Judge Colleen Kollar-Kotelly on July 22, 2023. (lcckk1) (Entered: 07/22/2023)
07/22/2023	<u>297</u>	MEMORANDUM OPINION re <u>296</u> Order. Signed by Judge Colleen Kollar-Kotelly on July 22, 2023. (lcckk1) (Entered: 07/22/2023)
07/24/2023	<u>301</u>	RESPONSE TO ORDER OF THE COURT by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re Order, Order on Motion to Continue,, <i>USA objection to defendants' requested jury instructions on defenses, and USA motion in limine to preclude evidence of those defenses at trial</i> (Attachments: # <u>1</u> Exhibit A)(Patel, Sanjay) (Entered: 07/24/2023)
07/25/2023	<u>306</u>	

		ORDER denying <u>159</u> Motion to Dismiss. Signed by Judge Colleen Kollar-Kotelly on July 25, 2023. (lcckk1) (Entered: 07/25/2023)
07/25/2023	<u>307</u>	MEMORANDUM OPINION re <u>306</u> Order. Signed by Judge Colleen Kollar-Kotelly on July 25, 2023. (lcckk1) (Entered: 07/25/2023)
07/28/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 7/28/2023. Excludable started as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY. Speedy Trial (XT) is tolled in the Interest of Justice from 7/28/2023 to 8/8/2023. Bond Status of Defendants: Personal Recognizance, as to All Defendants; Court Reporter: Tammy Nestor; Defense Attorney: 1-Martin A. Cannon, Blerina Jasari; 6-Alfred Guillaume, III; 7-Robert J. Dunn; 8-Howard J. Walsh, III; 10-John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 07/31/2023)
08/01/2023	<u>320</u>	TRIAL PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on August 1, 2023. (lcckk1) (Entered: 08/01/2023)
08/01/2023	<u>321</u>	COVID PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on August 1, 2023. (lcckk1) (Entered: 08/01/2023)
08/01/2023	<u>325</u>	TRIAL BRIEF by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Ross, Rebecca) (Entered: 08/01/2023)
08/02/2023		MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of the Government's <u>327</u> Amended Witness List. The Government proposes calling as many as four witnesses for one 404(b) incident. As the Court explained in its 322 Memorandum Opinion and Order, the probative value of lengthy testimony and a large number of witnesses as to conduct not charged in the operative indictment is substantially outweighed by prejudice to Defendants and the risk of sending the trial off track. To that end, the Government shall file a notice on or before August 3, 2023 explaining whether it can present all evidence as to each incident through one witness each, and if not, why not. Additionally, the Court notes that evidence as to the following 404(b) incidents may be admissible at trial: (1) the March 19, 2019 incident involving Defendant Handy; (2) the January 30, 2021 incident involving Defendants Handy and Darnel; (3) the November 16, 2021 incident involving Defendants Handy, Darnel, and Bell; and (4) the October 14, 2020 incident involving Defendants Goodman and Bell. Signed by Judge Colleen Kollar-Kotelly on August 2, 2023. (lcckk1) (Entered: 08/02/2023)
08/02/2023	<u>329</u>	ORDER granting <u>248</u> Motion in Limine as to ALL DEFENDANTS. See Order for details. Signed by Judge Colleen Kollar-Kotelly on August 2, 2023. (lcckk1) (Entered: 08/02/2023)
08/02/2023		Set/Reset Deadlines as to LAUREN HANDY (1), JONATHAN DARNEL (2), JAY SMITH (3), PAULA PAULETTE HARLOW (4), JEAN MARSHALL (5), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), JOAN BELL (9), HERB GERAGHTY (10): Government shall file a notice on or before August 3, 2023 explaining whether it can present all evidence as to each incident through one witness each, and if not, why not. (dot) (Entered: 08/03/2023)

08/03/2023		<p>RESOLVED...NOTICE of Provisional/Government Not Certified Status re 330 MOTION for Leave to Appear Pro Hac Vice Stephen Crampton Filing fee \$ 100, receipt number ADCDC-10249283. Fee Status: Fee Paid. by LAUREN HANDY. (Attachments: # 1 Declaration, # 2 Exhibit)(Jasari, Blerina).</p> <p>Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Criminal Rule 57.21.1, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 8/10/2023. (zmrl) Modified on 8/16/2023 (zmrl). (Entered: 08/03/2023)</p>
08/04/2023	<u>336</u>	<p>MOTION to Compel <i>Disclosure of Government Trial Exhibits</i> by HERB GERAGHTY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Attachments: # <u>1</u> Exhibit Counsel Correspondence with Government)(Kiyonaga, John) (Entered: 08/04/2023)</p>
08/04/2023	<u>335</u>	<p>NOTICE OF STATUS UPDATE REGARDING STIPULATIONS by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> Exhibit A) (zhsj) (Entered: 08/04/2023)</p>
08/04/2023		<p>MINUTE ORDER as to HERB GERAGHTY (10): The Court is in receipt of Defendant's <u>336</u> Motion to Compel Disclosure of Government Exhibits. Defense counsel is evidently experiencing some difficulty in accessing the Government's trial exhibits, provided to defense counsel via USAfx. Defendant requests that the Court order the Government to provide its trial exhibits to Defendants through other means, such as paper copies. The Court does not intend to micromanage discovery in such a way, and the Court is confident that the collective resources of the nine defense counsel proceeding to trial next week can be marshaled to overcome whatever technological challenges have presented. Nor will the Court continue the trial date based on momentary technological issues. The Court is aware that many of the Government's exhibits will be presented to the jury in electronic form, so defense counsel at this point has them in the format that they may be introduced and shown to the jury. Therefore, Defendant's <u>336</u> Motion to Compel Disclosure of Government Exhibits is DENIED. Signed by Judge Colleen Kollar-Kotelly on August 4, 2023. (lcckk1) (Entered: 08/04/2023)</p>
08/07/2023	<u>344</u>	<p>DECLARATION of <i>Stephen M. Crampton</i> by LAUREN HANDY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY 330 MOTION for Leave to Appear Pro Hac Vice Stephen Crampton Filing fee \$ 100, receipt number ADCDC-10249283. Fee Status: Fee Paid. filed by LAUREN HANDY (Boyle, Dennis) (Entered: 08/07/2023)</p>

08/07/2023	<u>347</u>	NOTICE <i>pursuant to FRE 902(11) of intent to introduce business documents</i> by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Patel, Sanjay) (Entered: 08/07/2023)
08/07/2023	<u>353</u>	ORDER as ALL DEFENDANTS precluding necessity and defense of third person defenses. Signed by Judge Colleen Kollar-Kotelly on August 7, 2023. (lcckk1) (Entered: 08/07/2023)
08/07/2023	<u>355</u>	NOTICE of Joinder with Exhibit List, Witness List and Proffer of Evidence of Co Defendant Handy by HERB GERAGHTY (Kiyonaga, John) (Entered: 08/07/2023)
08/07/2023	<u>356</u>	NOTICE of Objection to Trial Instructions by HERB GERAGHTY (Kiyonaga, John) (Entered: 08/07/2023)
08/07/2023	<u>357</u>	NOTICE of Objection (Corrected) by HERB GERAGHTY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re <u>321</u> Order (Kiyonaga, John) (Entered: 08/07/2023)
08/08/2023	<u>358</u>	ORDER as to ALL DEFENDANTS permitting Government witnesses to testify under pseudonym. Signed by Judge Colleen Kollar-Kotelly on August 8, 2023. (lcckk1) (Entered: 08/08/2023)
08/08/2023		<p>MINUTE ORDER as to ALL DEFENDANTS: The Court is in receipt of Defendant Handy's (1) 342 Further Foundation for Pamphlet and Video. Per the Court's 333 Order, the Court has held in abeyance the Government's <i>in limine</i> objection to these two defense exhibits. Although, as the Court noted, these two exhibits present substantial risks of prejudice and confusion pursuant to Federal Rule of Evidence 403, their probative value remains uncertain without Defendant Handy's testimony. Therefore, the objections shall remain HELD IN ABEYANCE pending any testimony by Defendant Handy during her case in chief, should one be presented.</p> <p>That said, and in light of the Court's <u>353</u> Order precluding necessity and defense of third person defenses, the Court reiterates that Defendants shall not present any evidence and argument furthering such defenses. Additionally, upon further review of the outstanding exhibits to determine their relevance pursuant to Federal Rules of Evidence 401 and 402, the Court cannot make the preliminary determination pursuant to Federal Rule of Evidence 104(b) that the Washington Surgi-Clinic was engaged in unlawful conduct. The proffered exhibits offer absolutely no basis for such a conclusion. Therefore, and in accordance with the Court's <u>353</u> Order, Defendants shall not argue that, as a factual matter, that the Washington Surgi-Clinic was engaged in the unlawful conduct alleged in Defendant Handy's pamphlet. That said, the Court reiterates its holding from its 333 Order that Defendant Handy (and other Defendants, should they present a case) may argue that they lacked the requisite intent based on a belief (evidently erroneous) that the Washington Surgi-Clinic was engaged in unlawful conduct.</p> <p>Signed by Judge Colleen Kollar-Kotelly on August 8, 2023. (lcckk1) (Entered: 08/08/2023)</p>
08/08/2023		

		<p>MINUTE ORDER as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), AND HERB GERAGHTY (10). The Court held a pretrial conference in this matter on August 8, 2023. Among other things, Defendants requested that the Court grant Defendants additional peremptory strikes. In response, the Government asked that the Court grant the Government additional peremptory strikes in proportion to any additional peremptory strikes extended to Defendants. The Government correctly noted that, pursuant to Federal Rule of Criminal Procedure 24(b)(2), the default is to grant the Government 6 peremptory strikes and a defendant 10 peremptory strikes. However, the Court may, in its discretion, "allow additional peremptory challenges to multiple defendants[.]" so long as the Government is not unduly prejudiced. <i>See</i> Fed. R. Crim. P. 24(b); <i>United States v. Haldeman</i>, 599 F.2d 31, 79 (D.C. Cir. 1976) (holding that trial court did not abuse discretion in awarding defendants additional peremptory strikes in light of substantial pretrial publicity). In light of the number of defendants in this upcoming trial and the politically and socially charged nature of some of the allegations in this case, the Court agrees that an additional peremptory strike per defendant is warranted, and no additional Government peremptory strikes are needed. Therefore, the Court will allow one additional peremptory strike for each Defendant, resulting in a total of fifteen peremptory strikes for all Defendants which can be exercised jointly or each Defendant can exercise three. Signed by Judge Colleen Kollar-Kotelly on August 8, 2023. (lcckk1) (Entered: 08/08/2023)</p>
08/08/2023		<p>MINUTE ORDER as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10). The Court held a pretrial conference in this matter on August 8, 2023. All parties were present in person, except for counsel for Defendant Idoni (7), who appeared via teleconference. The Court discussed, among other things, voir dire, the <u>320</u> Trial Procedures Order, and the <u>321</u> COVID Procedures Order. The parties shall appear for jury selection on August 9, 2023 at 8:45 AM ET in Courtroom 28-A. Before that time, they shall furnish Chambers with print and electronic copies of their exhibits in accordance with the Court's instructions on the record today and the <u>320</u> Trial Procedures Order. Additionally, for those trial participants who are medically contraindicated against masking, they shall provide Chambers with copies of doctors notes before that time. Otherwise, masks shall be worn when not speaking or preparing to speak. Lastly, the parties shall convey their properly formatted exhibit lists via email to Chambers and the Courtroom Deputy forthwith. Signed by Judge Colleen Kollar-Kotelly on August 8, 2023. (lcckk1) (Entered: 08/08/2023)</p>
08/08/2023	<u>360</u>	<p>EXHIBIT LIST by USA as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY (Patel, Sanjay) (Entered: 08/08/2023)</p>
08/08/2023		<p>Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Final Pretrial Conference as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 8/8/2023. Bond Status of Defendanta: Personal Recognizance as to All Defendants; Court Reporter: Tammy Nestor; Defense Attorney: 1-Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6-Alfred Guillaume, III; 7-Robert J. Dunn; 8-Howard J. Walsh, III; 10-John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/08/2023)</p>
08/09/2023		<p>Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Selection as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI</p>

		(7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 8/9/2023 as to LAUREN HANDY (1) Count 1s,2s and JOHN HINSHAW (6) Count 1s,2s and HEATHER IDONI (7) Count 1s,2s and WILLIAM GOODMAN (8) Count 1s,2s and HERB GERAGHTY (10) Count 1,2. Jury Trial set for 8/10/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar–Kotelly. Bond Status of Defendants: Personal Recognizance as to All Defendants; Court Reporters: Tammy Nestor and Tammi Sefranek; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon, Bierina Jasari, Stephen M. Crampton; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/09/2023)
08/10/2023		Minute Entry for proceedings held before Judge Colleen Kollar–Kotelly: Jury Selection as to LAUREN HANDY (1), JOHN HINSHAW (2), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 8/10/2023 as to LAUREN HANDY (1) Count 1s,2s and JOHN HINSHAW (6) Count 1s,2s and HEATHER IDONI (7) Count 1s,2s and WILLIAM GOODMAN (8) Count 1s,2s and HERB GERAGHTY (10) Count 1,2. Jury Trial set for 8/11/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar–Kotelly. Bond Status of Defendant: Personal Recognizance as to All Defendants; Court Reporters: Tammy Nestor–AM; Tammi Sefranek–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon, Bierina Jasari and Stephen M. Crampton; 2–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/10/2023)
08/11/2023	<u>361</u>	NOTICE of Signed Declarations by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> Exhibit A)(Ross, Rebecca) (Entered: 08/11/2023)
08/11/2023		Minute Entry for proceedings held before Judge Colleen Kollar–Kotelly on 8/11/2023:Jury Selection held as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10). Jury Selection held and continued to 8/14/2023 at 09:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar–Kotelly. Bond Status of Defendants: Personal Recognizance; Court Reporter: Tammy Nestor (A.M.) / Tammi Sefranek (P.M); Defense Attorney: D. Boyle, M Cannon, B. Jasari, Stephen Crampton for defendant (1); Alfred Guillaume for defendant (6); Robert J. Dunn for defendant (7); Howard Walsh for defendant (8), John Kiyonaga for defendant (10).; US Attorney: John Crabb, Jr. and Sanjay Patel; (tj) (Entered: 08/11/2023)
08/13/2023	<u>362</u>	ENTERED IN ERROR.....Proposed Jury Instructions by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Patel, Sanjay) Modified on 8/14/2023 (zhsj). (Entered: 08/13/2023)
08/13/2023		NOTICE OF ERROR as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY regarding <u>362</u> Proposed Jury Instructions. The following error(s) need correction: Incorrect event used. Document is a Motion and not Proposed Jury Instruction. Please refile. (zhsj) (Entered: 08/14/2023)

08/14/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Selection resumed as to LAUREN HANDY(1), JOHN HINSHAW(6), HEATHER IDONI(7), WILLIAM GOODMAN(8), HERB GERAGHTY(10) and held on 8/14/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Jury Trial set for 8/15/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Personal Recognizance as to All; Court Reporter: Tammi Sefraneke–AM; Tammy Nestor–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/14/2023)
08/15/2023	<u>363</u>	MOTION to Supplement its Proposed Jury Instruction and revised verdict form by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re <u>362</u> Proposed Jury Instructions, Notice of Error, (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Patel, Sanjay) Modified Text on 8/15/2023 (zhsj). (Entered: 08/15/2023)
08/15/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Selection resumed and concluded. Jury Trial begun as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) held on 8/15/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) Count 1s,2s and HEATHER IDONI (7) Count 1s,2s and WILLIAM GOODMAN (8) Count 1s,2s and HERB GERAGHTY (10) Count 1,2. Oral Batson Motion by the Defendants; heard and denied. Jury Panel of twelve (12) and three (3) alternates sworn. Jury Trial set for 8/16/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/15/2023)
08/15/2023		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Colleen Kollar-Kotelly on 8/15/23. (dot) (Entered: 08/15/2023)
08/16/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/16/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Jury Trial set for 8/17/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance as to All Defendants; Court Reporter: Tammi Sefraneke–AM; Tammy Nestor–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel; Witnesses (Government): Ashley Jones, Sarah Compton, Sasha Proctor, Homere Whyte and Caroline Davis. (dot) (Entered: 08/16/2023)

08/17/2023		MINUTE ORDER as to HERB GERAGHTY (10): Yesterday, Defendant moved for a mistrial, arguing that the jury becoming aware that certain witnesses were testifying under pseudonym unduly prejudiced the jury against Defendant. The Court denied the motion on the record. "A mistrial is a severe remedy—a step to be avoided whenever possible, and to be taken only in circumstances manifesting a necessity therefor." <i>United States v. McLendon</i> , 378 F.3d 1109, 1112 (D.C. Cir. 2004). A mistrial is warranted only "if inadmissible evidence is erroneously presented to the jury that is so 'highly prejudicial' that the jury cannot reasonably be expected to ignore it." <i>See United States v. Crews</i> , 856 F.3d 91, 96 (D.C. Cir. 2017) (quoting <i>United States v. Eccleston</i> , 961 F.2d 955, 961–62 (D.C. Cir. 1992)). No such prejudice occurred here. Among other things, the Court instructed the jury that they should in no way hold the use of pseudonyms against the Defendants. In particular, the Court told the jury that they should in no way infer any guilt on the part of the Defendants, or assume that the Defendants are at all dangerous or violent or would engage in such conduct. In light of this curative instruction, and for these additional reasons, the Court more formally DENIES Defendant's August 16, 2023 oral motion for a mistrial. Signed by Judge Colleen Kollar-Kotelly on August 17, 2023. (lcckk1) (Entered: 08/17/2023)
08/17/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/17/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Jury Trial set for 8/21/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance as to All Defendants; Court Reporter: Nancy Meyer–AM; Lisa Edwards–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel; Witnesses: Caroline Davis, Shampy Holler, Gregory Alemian, Robert Honaker, and Michael Biscardi. (dot) (Entered: 08/17/2023)
08/20/2023	<u>367</u>	Memorandum in Opposition by LAUREN HANDY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY re 316 Motion in Limine (Attachments: # <u>1</u> Exhibit)(Cannon, Martin) (Entered: 08/20/2023)
08/20/2023	<u>368</u>	SUPPLEMENT by USA as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY (Crabb, John) (Entered: 08/20/2023)
08/21/2023		MINUTE ORDER as to ALL DEFENDANTS: In light of certain issues with witness tampering that the Court placed on the record under seal on August 17, 2023, all transcripts of voir dire shall remain under seal until further order of the Court. Signed by Judge Colleen Kollar-Kotelly on August 21, 2023. (lcckk1) (Entered: 08/21/2023)
08/21/2023	<u>370</u>	MOTION for Reconsideration of <i>Motion to Dismiss for Selective Prosecution</i> by HERB GERAGHTY as to LAUREN HANDY, JONATHAN DARNEL, JAY SMITH, PAULA PAULETTE HARLOW, JEAN MARSHALL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, JOAN BELL, HERB GERAGHTY. (Kiyonaga, John) (Entered: 08/21/2023)

08/21/2023		MINUTE ORDER as to HERB GERAGHTY (10): The Court is in receipt of Defendant's <u>370</u> Motion for Reconsideration. The Government shall file its opposition on or before August 23, 2023 at 12:00 PM ET , and Defendant shall file his reply on or before August 24, 2023 at 8:00 PM ET . Signed by Judge Colleen Kollar-Kotelly on August 21, 2023. (lcckk1) (Entered: 08/21/2023)
08/21/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/21/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Government Rest. Oral Rule 29 Motion by the Defendants to Dismiss; heard and taken under advisement. Jury Trial set for 8/22/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Personal Recognizance as to All Defendants; Court Reporter: Tammy Nestor–AM; Tammi Sefranek–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon, Bierina Jasari and Stephen M. Crampton; 2–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel; Witnesses (Government): Michael Biscardi, Tyler Fox, Mary Digilo and Tina Smith. (dot) (Entered: 08/21/2023)
08/21/2023	<u>372</u>	MEMORANDUM OPINION AND ORDER as to LAUREN HANDY (1), WILLIAM GOODMAN (8), AND HERB GERAGHTY (10) granting remainder of 316 Motion to Exclude Certain Defense Exhibits. Signed by Judge Colleen Kollar-Kotelly on August 21, 2023. (lcckk1) (Entered: 08/21/2023)
08/22/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/22/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Jury Trial set for 8/23/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Personal Recognizance as to All Defendants; Court Reporter: Nancy Meyer–AM, Tammy Nestor–PM; Defense Attorney: 1–Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel; Witnesses (Defendants): Lauren B. Handy, Heather Idoni and Herb Geraghty. (dot) (Entered: 08/22/2023)
08/23/2023	<u>373</u>	RESPONSE by USA as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY re <u>370</u> MOTION for Reconsideration of Motion to Dismiss for Selective Prosecution (Patel, Sanjay) (Entered: 08/23/2023)
08/23/2023		MINUTE ORDER as to HERB GERAGHTY (10): The Court is in receipt of the Government's <u>373</u> opposition to Defendant Geraghty's <u>370</u> Motion for Reconsideration. It appears the Government may have partially misunderstood portions of Defendant's argument. Defendant presents what appears to be a new argument of selective prosecution predicated on the Free Speech Clause of the First Amendment, not the Due Process Clause of the Fifth Amendment. He does so based on what the Court at this stage of briefing perceives to be a small shift in the law of this Circuit governing the former claim. <i>See Frederick Douglass Found., Inc. v. District of Columbia</i> , 2023 WL 5209556 (D.C. Cir. Aug. 15, 2023). He also identifies

		specific instances of allegedly unlawful conduct that, in his view, the Government declined to prosecute based on viewpoint. In this regard, the Government is incorrect that (1) Defendant raises the same argument again and (2) Defendant identifies no comparitors for his selective-prosecution claim. In order to assure the prompt and correct disposition of the <u>370</u> Motion for Reconsideration, the Government shall file a fuller opposition on or before August 30, 2023 . The Government is directed to assume that Defendant presses a selective-prosecution claim predicated on the First Amendment. The Government is further directed to assume that Defendant has proffered comparitors, as indicated in page 4, note 2 of the <u>370</u> Motion. Defendant shall file his reply on or before September 6, 2023 . Signed by Judge Colleen Kollar-Kotelly on August 23, 2023. (lcckk1) (Entered: 08/23/2023)
08/23/2023	<u>378</u>	Proposed Jury Instructions by LAUREN HANDY as to LAUREN HANDY, JOHN HINSHAW, WILLIAM GOODMAN, HERB GERAGHTY (Crampton, Stephen) (Entered: 08/23/2023)
08/23/2023	<u>379</u>	Proposed Jury Instructions by LAUREN HANDY as to LAUREN HANDY, JOHN HINSHAW, WILLIAM GOODMAN, HERB GERAGHTY (Crampton, Stephen) (Entered: 08/23/2023)
08/23/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/23/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Jury Trial set for 8/24/2023 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer-AM, Tammy Nestor-PM; Defense Attorney: 1-Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6-Alfred Guillaume, III; 7-Robert J. Dunn; 8-Howard J. Walsh, III; 10-John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel; Witness (Defendant): Herb Geraghty. (dot) (Entered: 08/23/2023)
08/24/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/24/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12) and Three (3) alternates. Closing arguments. Jury Trial set for 8/25/2023 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Tammi Sefraneke-AM; Tammy Nestor-PM; Defense Attorney: 1-Dennis E. Boyle, Martin A. Cannon and Bierina Jasari; 6-Alfred Guillaume, III; 7-Robert J. Dunn; 8-Howard J. Walsh, III; 10-John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/24/2023)
08/25/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Jury Trial held on 8/25/2023 as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Jury instruction held. Three (3) alternates discharged. Jury Deliberation begun and continued. Same jury panel of Twelve (12). Jury Deliberation set for 8/29/2023 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: 1- Martin A. Cannon and Stephen M. Crampton

		6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/25/2023)
08/29/2023		<p>MINUTE ORDER as to LAUREN HANDY (1); JOHN HINSHAW (6); HEATHER IDONI (7); WILLIAM GOODMAN (8); HERB GERAGHTY (10): For the reasons stated on the record, and in light of the jury's findings, the Court concludes that Defendants have been convicted of a crime of violence. The Court further finds that there is no substantial likelihood that a motion for acquittal or new trial will be granted. Because the Government has indicated that it will recommend a term of incarceration as to each Defendant, and pursuant to 18 U.S.C. 3143(a)(2), the Court ordered each Defendant detained pending sentencing.</p> <p>Additionally, the Court set a briefing schedule for forthcoming post–trial motion(s). Defendants shall file their post–trial motion(s), ideally collectively, on or before September 29, 2023; the Government shall file its opposition on or before October 13, 2023, and Defendants shall file their reply(ies) on or before October 27, 2023.</p> <p>Signed by Judge Colleen Kollar–Kotelly on August 29, 2023. (lcckk1) (Entered: 08/29/2023)</p>
08/29/2023		Minute Entry for proceedings held before Judge Colleen Kollar–Kotelly: Jury Trial held on 8/29/2023 and concluded as to LAUREN HANDY (1) as to Count 1s,2s and JOHN HINSHAW (6) as to Count 1s,2s and HEATHER IDONI (7) as to Count 1s,2s and WILLIAM GOODMAN (8) as to Count 1s,2s and HERB GERAGHTY (10) as to Count 1,2. Same jury panel of Twelve (12). Defendants Committed; commitment issued as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10). JURY VERDICT as to LAUREN HANDY (1) Guilty on Count 1s,2s and JOHN HINSHAW (6) Guilty on Count 1s,2s and HEATHER IDONI (7) Guilty on Count 1s,2s and WILLIAM GOODMAN (8) Guilty on Count 1s,2s and HERB GERAGHTY (10) Guilty on Count 1,2. Jury polled and discharged. Defendant's Rule 29 Motion due by 11/29/2023. Response due by 10/13/2023 Reply due by 10/27/2023. Bond Status of Defendants: Committed as to All Defendants; Court Reporter: Tammy Nestor; Defense Attorney: 1–Dennis E. Boyle and Stephen M. Crampton; 6–Alfred Guillaume, III; 7–Robert J. Dunn; 8–Howard J. Walsh, III; 10–John C. Kiyonaga; US Attorney: John Crabb, Jr. and Sanjay H. Patel. (dot) (Entered: 08/29/2023)
08/29/2023	<u>386</u>	RESPONSE by USA as to LAUREN HANDY, JONATHAN DARNEL, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY re <u>370</u> MOTION for Reconsideration of <i>Motion to Dismiss for Selective Prosecution Amended Response by USA</i> (Patel, Sanjay) (Entered: 08/29/2023)
08/30/2023		MINUTE ORDER as to LAUREN HANDY (1), JOHN HINSHAW (6); HEATHER IDONI (7); WILLIAM GOODMAN (8); HERB GERAGHTY (10): The Court is in receipt of Defendant Handy's 387 Emergency Motion for Reconsideration. The Court presumes that Defendants Hinshaw, Idoni, and Geraghty join the Motion; Defendant Goodman has already indicated that he joins the Motion. The Government shall file a response on or before August 30, 2023 at 5:00 PM ET . The Court is cognizant that this deadline provides little time for the Government to respond and encourages the Government to consult with its appellate division. Signed by Judge Colleen Kollar–Kotelly on August 30, 2023. (lcckk1) (Entered: 08/30/2023)

08/30/2023	<u>391</u>	NOTICE of Joinder of Emergency Motion of Co Defendant Handy by HERB GERAGHTY (Kiyonaga, John) (Entered: 08/30/2023)
08/30/2023	<u>392</u>	MOTION for Extension of Time to Respond to Defendants Emergency Motion for Reconsideration of Order of Detention Pending Imposition of Sentence by USA as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY. (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Rebecca) (Entered: 08/30/2023)
08/30/2023		MINUTE ORDER as to LAUREN HANDY (1); JOHN HINSHAW (6); HEATHER IDONI (7); WILLIAM GOODMAN (8); HERB GERAGHTY (10) granting the Government's <u>392</u> Motion for Enlargement of Time, over Defendant Handy's and Goodman's opposition. The Government shall file its opposition on or before August 31, 2023 at 10:00 AM ET . Defendants may file their reply(ies) on or before August 31, 2023 at 1:30 PM ET . Signed by Judge Colleen Kollar-Kotelly on August 30, 2023. (lcckk1) (Entered: 08/30/2023)
08/30/2023	<u>395</u>	RESPONSE by USA as to LAUREN HANDY, JOHN HINSHAW, HEATHER IDONI, WILLIAM GOODMAN, HERB GERAGHTY re 387 Emergency MOTION for Reconsideration of Order of Detention Pending Imposition of Sentence, 389 Emergency MOTION for Reconsideration of Order of Detention (Patel, Sanjay) (Entered: 08/30/2023)
08/31/2023	<u>397</u>	MEMORANDUM OPINION AND ORDER as to LAUREN HANDY (1), JOHN HINSHAW (6), HEATHER IDONI (7), WILLIAM GOODMAN (8), HERB GERAGHTY (10) denying 387 and 389 Emergency Motions for Reconsideration. Signed by Judge Colleen Kollar-Kotelly on August 31, 2023. (lcckk1) (Entered: 08/31/2023)
09/01/2023	<u>403</u>	NOTICE OF APPEAL (Interlocutory) by HERB GERAGHTY re <u>397</u> Order, Memorandum Opinion. Filing fee \$ 505, receipt number DCDC-10323596. Fee Status: Fee Paid. Parties have been notified. (Kiyonaga, John) Modified on 9/5/2023 to remove defendants to which the appeal does not pertain.(ztnr) (Entered: 09/01/2023)

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES,)	
)	
v.)	Crim. No.22cr96
)	Hon. Colleen Kollar-Kotelly
HERB GERAGHTY)	
Alexandria Adult Detention Center)	
2001 Mill Road)	
Alexandria, VA 22314,)	
Defendant.)	
_____)	

NOTICE OF APPEAL

Comes now Defendant Herb Geraghty, by counsel, and notices his appeal of the Memorandum Opinion and Order of this Court (Doc 397) denying Defendants' Emergency Motions for Reconsideration of Order of Detention Pending Imposition of Sentence (Docs 387 and 389). This appeal is not pursuant to the 1984 Sentencing Reform Act.

Respectfully Submitted,

HERB GERAGHTY
By Counsel

/s/
John C. Kiyonaga

510 King Street, Ste. 400
Alexandria, Virginia 22314
Telephone: (703) 739-0009
Facsimile: (703) 340-1642
E-mail: john@johnckiyonagaa.com

Counsel for Appellant

Certificate of Electronic Service

I hereby certify that on Sept. 1, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, with consequent service on all parties.

/s/
John C. Kiyonaga

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

LAUREN HANDY, *et al.*

Defendants.

Criminal Action No. 22-096 (CKK)

MEMORANDUM OPINION AND ORDER

(August 31, 2023)

The indictment in this case charged Defendants¹ with (1) conspiracy against rights, in violation of 18 U.S.C. 241; and (2) forcibly obstructing a reproductive health clinic, in violation of 18 U.S.C. § 248(a). On August 29, 2023, a jury found Defendants guilty on both counts. The jury made an additional special finding, concluding that each Defendant used force to prevent access to or provision of reproductive health services at the clinic at issue. The jury further found that, in addition to force, Defendants also used physical obstruction. Based on this special finding, the Court concluded that Defendants had been found guilty of a “crime of violence” within the meaning of 18 U.S.C. § 3156(a)(4)(A). The Court further concluded that there was not a substantial likelihood of success on any post-trial motion. Because the Government also represented that it would seek a term of incarceration at sentencing, the Court found that it had no choice but to order Defendants detained pending sentencing. *See* 18 U.S.C. § 3143(a)(2) (“The judicial officer *shall* order that a person who has been found guilty of [among other things, a crime of violence and is] awaiting imposition or execution be detained” under these circumstances. (emphasis added)).

¹ Lauren Handy (1), John Hinshaw (6), Heather Idoni (7), William Goodman (8), and Herb Geraghty (10).

Defendants have now moved for reconsideration on an emergency basis.² Defendants argue that 18 U.S.C. § 248, commonly called the Freedom of Access to Clinic Entrances Act (or FACE Act), is not categorically a crime of violence, because a defendant may violate the statute through nonviolent means. Though a point well taken, the Court concludes that the FACE Act creates distinct offenses, some of which are crimes of violence. Because the jury clearly convicted each Defendant on a sub-offense exclusively criminalizing violence against person or property, the Court shall **DENY** the [387] and [389] Emergency Motions for Reconsideration.

To determine whether the jury convicted Defendants of a “crime of violence,” the Court begins with elements of the offense as set forth in the statute. *See Descamps v. United States*, 570 U.S. 254, 260-61 (2013). The FACE Act criminalizes the use of “force,” the “threat of force,” or “physical obstruction” in order to “injure, intimidate, or interfere with” a person provided or receiving “reproductive health services.” 18 U.S.C. 248(a)(1). Any one type of conduct suffices to violate the statute. *See Terry v. Reno*, 101 F.3d 1412, 1418 (D.C. Cir. 1996). The statute does not stop there, however. It also provides for certain penalties based on the kind of conduct a defendant employed. For violent physical obstruction, force, or threat of force, it provides for a year of imprisonment. 18 U.S.C. § 248(b)(1). For nonviolent physical obstruction on a first offense (which applies to all Defendants here), it provides for six months of imprisonment. *Id.* (b)(2). Where “bodily injury results,” it carries a ten-year term of incarceration. *Id.* Where “death results,” it carries a term of up to life. *Id.*

By delineating different penalties for certain violations of the statute, the FACE Act is “divisible,” i.e., it defines “multiple crimes” based on punishment. *See Mathis v. United States*,

² ECF Nos. 387 (Defendant Handy) and 389 (Defendant Idoni). By minute order, the Court alerted the parties that the Court would assume that all Defendants joined the [387] Motion unless otherwise stated.

579 U.S. 500, 518 (2016). In such a circumstance, the Court looks to, among other things, “the indictment[and] jury instructions” in order to determine of which sub-offense a defendant was convicted and, thereby, whether that sub-offense is a crime of violence. *See United States v. Redrick*, 841 F.3d 478, 482 (D.C. Cir. 2016). For present purposes, a crime of violence is “an offense that has as an element of the offense the use, the attempted use, or threatened use of physical force against the person or property of another.” *See United States v. Sabol*, 534 F. Supp. 3d 58, 57 (D.D.C. 2021) (quoting 18 U.S.C. § 3156(a)(4)(A)). The more serious misdemeanor delineated in 18 U.S.C. § 248(b)(1) is exactly that—the use of force, the threat of force, or the use of *violent* physical obstruction. All such violations of this subsection are necessarily crimes of violence, because *nonviolent* physical obstruction constitutes a separate offense within the same statutory section.

Here, the Government charged each Defendant with *both* force *and* physical obstruction. Superseding Indictment, ECF No. 113 ¶ 38 (Oct. 14, 2022). Recognizing that the jury could then either convict for force or violent physical obstruction under 18 U.S.C. § 248(b)(1) or for nonviolent physical obstruction under subsection (b)(2), the Court prepared a special verdict form that directed the jury to choose either or both if it found a Defendant guilty of violating the FACE Act. The Court further instructed the jury that “force” means “power and/or violence exerted upon or against a person or property.” Therefore, if the jury returned a guilty verdict as to “force,” the Court would conclude that the jury convicted a Defendant under subsection (b)(1), misdemeanor, violent violation of the FACE Act. If the jury returned a guilty verdict only as to “physical obstruction,” the Court would conclude that the jury convicted a Defendant under subsection (b)(2). Because the jury returned a guilty verdict as to “force,” the jury convicted each Defendant of a crime of violence. The jury having done so, the Court has no choice but to

order Defendants detained pending sentencing.

Accordingly, and for the foregoing reasons, it is hereby

ORDERED, that Defendant Handy's [387] Emergency Motion for Reconsideration and Defendant Idoni's [389] Emergency Motion for Reconsideration are **DENIED**.

SO ORDERED.

Dated: August 31, 2023

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge